

**PLAN COMMISSION MEETING MINUTES**  
**TUESDAY, SEPTEMBER 22, 2015**  
**Sister Bay-Liberty Grove Fire Station – 2258 Mill Road**

The September 22, 2015 meeting of the Plan Commission was called to order by Chairperson Dave Lienau at 5:32 P.M.

**Present:** Chairperson Lienau, and members Don Howard, Marge Grutzmacher, and Nate Bell. Scott Baker arrived at 5:51 P.M.

**Excused:** Shane Solomon and Eric Lundquist

**Others:** Ron Kane, Denise Bhirdo, Kim Erzinger, Steve Musinsky and Mary Kay Shumway.

**Staff Members:** Village Administrator Zeke Jackson, Marketing Director Jason Polecheck and Assistant Administrator Janal Suppanz

**Comments, correspondence and concerns from the public:**

Lienau noted that no new correspondence had been received, and then asked if anyone wished to comment regarding a non-agenda item.

Denise Bhirdo noted that at a previous Plan Commission Meeting there was discussion regarding creation of a mural. She reviewed the Zoning Code and discovered that §66.0770(j) of that Code prohibits murals. She also indicated that she would like to attend a Finance Committee Meeting, but those meetings are generally scheduled for afternoons. Bhirdo asked if it would be possible for at least one Finance Committee Meeting to be scheduled for 6:00 P.M. or later, so people who work would have an opportunity to attend.

Kim Erzinger stated that he resides on Mill Road and received a parking citation which he does not believe was justified. He does intend to contest that citation. When he went to the Justice Center for his initial appearance the Clerk of Court informed him that she hadn't received the citation yet, and, therefore, his initial appearance has been rescheduled. Erzinger does have photos of where his vehicle was parked, and he believes those photos confirm his position. Jackson requested that Erzinger schedule an appointment to discuss this matter with him ASAP.

Mary Kay Shumway asked if the members of the public would be allowed to ask questions during this meeting. Lienau responded that generally speaking public comment is limited, and asked what questions Shumway would like to ask. She stated that her husband is a Deputy, and his squad car is parked in their yard on a regular basis. She is concerned that this could be deemed to be a violation of the Village's parking regulations.

**Approval of the agenda:**

*A motion was made by Howard, seconded by Grutzmacher that the Agenda for the September 22, 2015 meeting of the Plan Commission be approved as presented. Motion carried – All ayes.*

**Approval of minutes as published:**

**As to the minutes for the August 26, 2015 meeting of the Plan Commission:**

*A motion was made by Grutzmacher, seconded by Howard that the minutes for the August 26, 2015 meeting of the Plan Commission be approved as presented. Motion carried – All ayes.*

**Business Items:**

**Item No. 1. Discussion regarding "Reed v. Gilbert", and review of possible amendments to the Sister Bay Zoning Code; Consider a motion to proceed to public hearing:**

The Supreme Court case which is entitled "Reed v. Gilbert", which was reviewed at the July Plan Commission Meeting, is having an impact on a number of other Court cases, and Jackson and the Village Attorney believe the Village's Sign Code will also be impacted by that case. The Town of Gilbert, AZ has a comprehensive Sign Code which prohibits the display of outdoor signs without a permit, but exempts some categories of signs. "Ideological Signs", defined as signs "communicating a message or ideas" that do not fit in any other Sign Code category may be up to twenty square feet in size and have no placement or time restrictions. "Political Signs", which are defined as signs "designed to influence the outcome of an election" may be up to 32 square feet in size and may only be displayed during an election season. "Temporary Directional Signs, defined as signs directing the public to a church or other "qualifying event", have even greater restrictions: No more than four of the signs, limited to six square feet in size, may be on a single property at any time, and signs may be displayed no more than twelve hours before the "qualifying event" and one hour after. Good News Community Church and its pastor, Clyde Reed, whose Sunday church services are held at various temporary locations in and near the Town of Gilbert posted signs early each Saturday which bore the Church's name and the time and location of the next service, but did not remove the signs until around midday Sunday. The Church was eventually cited for exceeding the time limits for displaying temporary directional signs and for failing to include an event date on their signs. Church leaders were unable to reach an accommodation with the Town, and, therefore, they filed suit, claiming that the Town's Sign Code abridged their freedom of speech. The matter was ultimately referred to the U.S. Supreme Court, which held that the provisions of the Town's "qualifying event" sign regulations are more stringent than the regulations which pertain to signs conveying other messages. The Court also held that such content-based regulations of speech cannot survive strict scrutiny, and, therefore, local government has no compelling interest to regulate them.

A copy of the Village's current Sign Code as well as research materials which were prepared by Christa Johnson, the Village's Legal Intern, were included in the meeting packets, and the Commission members jointly reviewed all of it. Based upon the provisions of "Reed v. Gilbert" the Village will no longer be allowed to regulate sign content, but the Village will be allowed to regulate "where" signs will be allowed. Basically the entire Sign Code will have to be rewritten. In some instances businesses in the Village will be allowed to retain non-conforming pre-existing signage, but it will not be possible for those signs to be replaced with like signage.

Lienau noted that since this is a very complex issue, he does not believe a public hearing should be scheduled yet, and the other Commission members concurred. Further discussion will take place regarding possible Sign Code amendments at the next Plan Commission Meeting.

**Item No. 2. Discussion regarding §66.045 of the Zoning Code, Parking of Vehicles in Residential Districts; Consider a motion for action if necessary:**

A number of photos which were taken at residences and buildings throughout the Village, as well as a copy of §66.045 of the Zoning Code were included in the meeting packets, and the Commission members jointly reviewed those documents. Jackson noted that the photos depict possible violations of the provisions of §66.045 of the Zoning Code, but also pointed out that no complaints have been received about any of the items shown in the photos. It was eventually the consensus that the existing regulations shall stand.

**Item No. 3. Report by the Zoning Administrator regarding development activities, various enforcement actions, and issuance of Sign and Zoning Permit:**

Jackson gave the following oral report:

- There are ongoing civil legal issues associated with storm water management on The Creamery property. The owner of the property has indicated that he is still waiting for a contractor to do the required work.
- The Garot project has been re-bid.
- Work is continuing on the development being constructed on the Old Ballfield Property.
- Work is progressing quite rapidly on the Bay Shore Drive Reconstruction Project. D.O.T. officials have control over all the detour signage which is posted.
- The consultants working on the Wayfinding Signage Plan have put together a preliminary plan and will be developing an on-line survey. After the survey data has been compiled the consultants will fly back up here and make another presentation. Eventually a final draft of the plan will be submitted to Village officials for consideration.

**Item No. 4. Discussion regarding matters to be placed on a future agenda or referred to a Committee, Official or Employee:**

It was the consensus that the following issues shall be addressed at a future meeting(s) of the Plan Commission:

- Discussion regarding "Reed v. Gilbert", and review of possible amendments to the Sister Bay Zoning Code.

**Adjournment:**

*A motion was made by Grutzmacher, seconded by Howard to adjourn the meeting of the Plan Commission at 7:05 P.M. Motion carried – All ayes.*

Respectfully submitted,



Janal Suppanz,  
Assistant Administrator